IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 16816 of 2004

Between:

1 Kota Ramanaiah, S/o Subbaiah,
R/o Kotha Annasamudram Village, Tripuranthakam

Mandal, Prakasham District.
2 M. Seshi Reddy, S/o Konda Reddy,
R/o Patha Annasamudram Village, Tripuranthakam

Mandal, Prakasham District.
3 Sai Agro Farms , a partnership firm , rep. by its

Managing Partner Yerneni Nagendranath S/o Venkata

Nageswara Rao, having its office at Konduru village,

Kalidindi Mandal, Krishna District.

... PETITIONERS

AND

1 The District Collector, Prakasham District at Ongole.
2 The Revenue Divisional Officer, Markapur Division at

Markapur, Prakasam District.
3 The Mandal Revenue Officer, Tripuranthakam Mandal,

Prakasham District.
4 The Executive Engineer, Special Division, at Markapur,

Prakasham District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of mandamus declaring the action of the respondents in including the proceedings of the 1st respondent in Rc.No. D4/117/2002, dated 17-3-2004, in seeking to illegally damage the patta lands of the petitioners in old Survey No. 261 of Kotha Annasamudram and Patha Annasamudram villages, Tripuranthakam Mandal, Prakasham District as illegal and void and consequently direct the respondents herein to restore the bunds for letting out the water which were previously existing to the east of the lands in old Survey No. 261.

Counsel for the Petitioner: MR.A.RAMANARAYANA

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

Petitioners claiming to be owners of land in Survey No.261 corresponding to new survey Nos.636 of 656 of Kotha Annasamudram and Patha Annasamudram, filed the present Writ Petition stating that when the villagers of the said village tried to convert the tank into agricultural lands, the possessor of the land filed O.S.No.79 of 1955 which was decreed in favour of the plaintiff. Several Proceedings were also initiated under Section 145 of the Criminal Procedure Code prohibiting the villagers from interfering with the peaceful possession and enjoyment of the land by the predecessor in the interest of the petitioners. While so, villagers undertook excavation work on the pretext of renovating the tank porambokes and instead of converging the tank porambokes left in old Survey No.261, closed the old ring bund to the East of the land belonging to the 'shotriyamdars' and caused breaches to the ring bund to the West of the lands belonging to the 'shotriyamdars'. As a result of this action, the entire lands in Survey No.261, which are patta lands are being inundated by diversion of 'Erla Vagu' waters into patta lands.

2. The Collector, by impugned proceedings dated 17-03-2004 estimated the cost of the excavation work under Food for Work Programme and accepted and ratified for release of 20.024 MTs of rice under S.G.R.Y.(S.C.) to the Executive Engineer, Special

Division, Markapur for distribution to the labourers of the work done. Learned counsel for the petitioners submits that the ratification by the Collector is illegal, arbitrary and liable to be set aside.

3. In fact, even as per the averments made by the petitioner, excavation work was undertaken and water is stored in the tank. If the petitioners are entitled to any right over the said property, it is always open for them to move the competent Civil Court to establish his right over the said property. Suffice the respondents already initiated proceedings under Sections 145 and 147 Cr.P.C and the same shall be enquired into and disposed of accordingly, uninfluenced by the ratification order passed by the Collector.

The Writ Petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

September 20, 2004

MRR

To:

1 The District Collector, Prakasham District at Ongole.
2 The Revenue Divisional Officer, Markapur Division at

Markapur, Prakasam District.
3 The Mandal Revenue Officer, Tripuranthakam Mandal,

Prakasham District.
4 The Executive Engineer, Special Division, at Markapur,

Prakasham District.

5 Two C.C.s to the G.P. for Revenue, High Court Buildings, Hyderabad

(OUT).

6 Two C.D. Copies.